

FORTIETH DAY
(Wednesday, March 21, 1979)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present: Andujar, Blake, Bracklein, Brooks, Clower, Creighton, Doggett, Farabee, Harris, Howard, Jones of Harris, Jones of Taylor, Kothmann, Longoria, Mauzy, McKnight, Meier, Mengden, Moore, Ogg, Parker, Patman, Price, Santiesteban, Schwartz, Short, Snelson, Traeger, Truan, Vale, Williams.

A quorum was announced present.

Chaplain Gerald Mann, University Baptist Church, Austin, offered the invocation as follows:

B - Bless us today
I - Instill us with grace
N - Never let us hate each other
G - Give us peace
O - Lord
Amen

On motion of Senator Moore and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE

House Chamber
March 21, 1979

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I AM DIRECTED BY THE HOUSE TO INFORM THE SENATE THAT THE HOUSE HAS PASSED THE FOLLOWING:

HCR 76, Authorizing the State Board of Control to close the capitol grounds to motor vehicles and traffic movement for the Waterloo Festival Fun Run on Saturday, April 7, 1979.

H.B. 783 relating to the appointment and service of the heads of institutions and facilities of the Texas Department of Mental Health and Mental Retardation

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

RESOLUTION SIGNED

The President announced the signing in the presence of the Senate, after the caption had been read, the following enrolled resolution:

H.C.R. 124

REPORTS OF STANDING COMMITTEES

Senator Jones of Harris submitted the following report for the Committee on Administration:

S.B. 779
S.C.R. 49
S.C.R. 52
S.C.R. 43
S.C.R. 57
S.C.R. 42
C.S.S.R. 156 (Read first time)
S.C.R. 50

Senator Mauzy submitted the following report for the Committee on Education:

S.B. 695

Senator Farabee submitted the following report for the Committee on Jurisprudence:

S.B. 957
C.S.S.B. 232 (Read first time)
S.B. 958
C.S.S.B. 711 (Read first time)
C.S.S.B. 768 (Read first time)
S.B. 529
S.B. 703
C.S.S.B. 428
H.B. 761
S.B. 959
S.B. 432
S.B. 575
S.B. 494 (Amended)
S.B. 548
C.S.S.B. 46 (Read first time)
C.S.S.B. 178 (Read first time)
C.S.S.B. 374 (Read first time)
S.B. 909
C.S.S.B. 874 (Read first time)
S.B. 875 (Amended)
S.B. 431
S.B. 759

Senator Snelson submitted the following report for the Committee on Intergovernmental Relations:

S.B. 565**C.S.S.B. 218** (Read first time)**C.S.S.B. 319** (Read first time)**SENATE BILLS ON FIRST READING**

On motion of Senator Howard and by unanimous consent, the following bills were introduced, read first time and referred to the Committee indicated:

S.B. 1180 by Howard Human Resources
Relating to the regulation of nursing homes and the criminal offense of threatening or causing bodily injury to a nursing home resident.

S.B. 1181 by Schwartz Natural Resources
Relating to the name and election of supervisors of the Friendswood Drainage District of Galveston County.

S.B. 1182 by Meier Finance
Relating to the creation and distribution of the school property tax relief fund for maintenance and operation of qualifying school districts; providing for local ad valorem property tax reductions; making an appropriation.

HOUSE BILLS ON FIRST READING

The following bills received from the House were read the first time and referred to the Committee indicated:

H.B. 901, To Committee on Jurisprudence.

H.B. 1060, To Committee on Finance.

NOTICE OF CONSIDERATION OF NOMINATIONS

Senator McKnight gave notice that he would tomorrow at the conclusion of Morning Call submit to the Senate for consideration nominations to agencies, boards and commissions of the State.

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was filed with the Secretary of the Senate:

Austin, Texas
March 20, 1979

TO THE SENATE OF THE SIXTY-SIXTH LEGISLATURE; REGULAR SESSION:

So that the Legislature may consider immediately the items I have discussed from time to time dealing with strong and effective law enforcement in Texas, and pursuant to the provisions of Section 5, Article III of the Constitution of Texas, I herewith submit as an emergency the following:

- 1). Electronic Surveillance. Senate Bill 981 by Senator Howard provides for wiretapping for narcotic or controlled substance cases, with proper safeguards.

- 2). Permitting Oral Confessions. Senate Bill 366 by Senator Mengden, and House Bill 981 by Representative Hartung. These measures would bring Texas in line with the 49 other states and the federal judicial system.
- 3). Bail Bond Reform. Senate Bill 539 by Senator Longoria provides for court-administered bonds. House Bill 525 by Representative Close increases the penalties for jumping bail.
- 4). Criminal History Records System. Senate Bill 14 by Senator Andujar complies with the Federal requirements on criminal records. House Bill 239 by Representative Jones protects peace officers by exempting their home addresses and telephone numbers from disclosure.
- 5). Repeat Offenders. House Bill 671 by Representative McFarland permits the use of a conviction record for enhancement purposes.
- 6). Drug Enforcement. Senate Bill 147 by Senator Mengden makes drug cases the highest priority in setting court dockets. House Bill 354 by Representative Bush and House Bill 1096 by Representative Von Dohlen (both bills of which have committee substitutes) conform the Controlled Substances Act to Federal Law and add "angel dust" to the penalty schedule. House Bill 1511 by Representative Lyon increases penalty for sale or manufacture of illegal drugs.
- 7). Juvenile Justice. Senate Bill 45 by Senator Brooks and House Bill 858 by Representative Untermeyer provides for restitution to victims by juveniles. Senate Bill 541 by Senator Santiesteban authorized the retaining of juvenile in custody if suspected of a felony. House Bill 788 by Semos lowers prosecution age for criminal offenses from 15 to 14.
- 8). State's Right of Appeal. Senate Joint Resolution 32 by Senator Mengden and House Joint Resolution 97 by Representative Hill would give the state the right to appeal a criminal case on issues of law.
- 9). Evidentiary Search. Senate Bill 144 by Senator Mengden repeals sections of the Evidentiary Search Warrant Act to provide for a second search warrant to seize evidence observed during a first search.
- 10). Hazardous Duty Pay. Senate Bill 586 by Senator McKnight and House Bill 478 by Representative Laney increases the hazardous duty pay from \$4 to \$5 per month for law enforcement officers of the Department of Public Safety and the Department of Corrections among others.

Some will say that these are merely the "same old measures" that prior legislatures have seen. This may be true, but the "same old conditions" that these bills seek to correct are as bad as ever and the people of Texas are sick and tired of the increases of crime in this state and want something done about it. I submit these measures for your consideration so you can do something about it.

Respectfully submitted,

/s/ W. P. Clements, Jr.
Governor of Texas

SENATE BILL 168 WITH HOUSE AMENDMENT

Senator Williams called **S.B. 168** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Amendment No. 1 - Maloney

Amend SB 168, Page 2, line 15, by adding a new Section 2, as follows:

"Section 2. Section 5.05, Texas Controlled Substances Act (Article 4476-15, Vernon's Texas Civil Statutes, is amended to read as follows:

"Sec. 5.05 (a) When any property is seized, proceedings under this section shall be instituted within ten (10) days after the seizure and not thereafter. (~~promptly~~)."

and renumber subsequent sections accordingly.

The amendment was read.

Senator Williams moved to concur in the House amendment.

The motion prevailed.

SENATE BILL 130 WITH HOUSE AMENDMENTS

Senator Parker called **S.B. 130** from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

Committee Amendment No. 1 - Craddick

Amend **S.B. 130** as follows:

1. On Page 6, Line 26, and Page 7, Line 1, insert "Ten Thousand Dollars (\$10,000.00)" in lieu of "Twenty-five Thousand Dollars (\$25,000.00)."

2. Delete the sentence beginning with the word "However" at Page 7, Line 6, and ending with the word "interest" on Page 7, Line 13.

Amendment to Committee Amendment No. 1 - Collazo

Amend Committee Amendment No. 1 to Senate Bill 130, page 6, line 26, and page 7, line 1, insert "Twenty-Five Thousand Dollars (\$25,000.00) in lieu of "Ten Thousand Dollars (\$10,000.00)."

Amendment No. 3 - Collazo

Amend Senate Bill 130, page 2, Section 2 (a), line 1 after the word "district," insert and the corporate limits of the City of Port Arthur, Texas,

The amendments were read.

Senator Parker moved to concur in the House amendments.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent: Moore, Ogg.

SENATE RESOLUTION 278

Senator Schwartz offered the following resolution:

S.R. 278, Extending welcome to Larry Patton and members of the "All Americans" from Galveston.

The resolution was read and was adopted.

PRESENTATION OF GUESTS

Senator Schwartz presented Mr. Patton and the "All Americans" to the Members of the Senate.

After entertaining the Senate with musical selections, Mr. Patton presented an album of their music to the President.

The President presented **S.R. 278** to Mr. Patton.

HOUSE BILL 272 ON SECOND READING

On motion of Senator Harris and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 272, A bill to be entitled An Act relating to grants and loans by the Texas Aeronautics Commission.

The bill was read second time and was passed to third reading.

RECORD OF VOTE

Senator Mauzy asked to be recorded as voting "Nay" on the passage of the bill to third reading.

HOUSE BILL 272 ON THIRD READING

Senator Harris moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 272** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Yeas: Andujar, Blake, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Harris, Howard, Jones of Harris, Jones of Taylor, Kothmann, Longoria, McKnight, Meier, Mengden, Moore, Ogg, Parker, Patman, Price, Santiesteban, Schwartz, Short, Snelson, Traeger, Truan, Vale, Williams.

Nays: Mauzy.

The bill was read third time and was passed.

RECORD OF VOTE

Senator Mauzy asked to be recorded as voting "Nay" on the final passage of the bill.

SENATE BILL 369 ON SECOND READING

On motion of Senator Harris and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 369, Relating to secured transactions; amending the Business and Commerce Code by amending Subsection (b) of Section 9.301, as amended, concerning time of filing with respect to purchase money security interest; and Subsection (d) of Section 9.312, as amended concerning time of perfection of a purchase money security interest to preserve its priority over conflicting interest; and declaring an emergency.

The bill was read second time and was passed to engrossment.

SENATE BILL 369 ON THIRD READING

Senator Harris moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 369** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

COMMITTEE SUBSTITUTE SENATE BILL 521 ON SECOND READING

On motion of Senator Santiesteban and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 521, Relating to approval of plans for construction and maintenance of levees and other improvements.

The bill was read second time and was passed to engrossment.

RECORD OF VOTES

Senators Doggett and Howard asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

**COMMITTEE SUBSTITUTE SENATE BILL 521
ON THIRD READING**

Senator Santiesteban moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 521** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Yeas: Andujar, Blake, Braecklein, Brooks, Clower, Creighton, Farabee, Harris, Howard, Jones of Harris, Jones of Taylor, Kothmann, Longoria, Mauzy, McKnight, Meier, Mengden, Moore, Ogg, Parker, Patman, Price, Santiesteban, Schwartz, Short, Snelson, Traeger, Truan, Vale, Williams.

Nays: Doggett.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1. (Same as previous roll call)

**COMMITTEE SUBSTITUTE SENATE BILL 582
ON SECOND READING**

On motion of Senator Farabee and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 582, Relating to the imposition, levy, and collection of local sales and use tax by certain cities and certain metropolitan rapid transit authorities; clarifying the imposition and allocation of local use tax; defining "place of business of the retailer" for local sales and use tax purposes; amending Subsection A of Section 4 and Subsections A and B of Section 6, Local Sales and Use Tax Act, as amended (Article 1066c, Vernon's Texas Civil Statutes); and by adding Subsections E and F to Section 4; amending Subparagraph (1), Paragraph (c), Subsection (B) of Section 11B, Chapter 141, Acts of the 63rd Legislature, Regular Session, 1973 (Article 1118x, Vernon's Texas Civil Statutes), and by adding Subparagraphs (4) and (5) to Paragraph (c), Subsection (B) of Section 11B.

The bill was read second time and was passed to engrossment.

**COMMITTEE SUBSTITUTE SENATE BILL 582
ON THIRD READING**

Senator Farabee moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 582** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE BILL 191 ON SECOND READING

Senator Mauzy asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

S.B. 191, Relating to terminating the authority of certain state institutions of higher education to pledge tuition to the payment of bonded indebtedness incurred for the construction of facilities; and repealing Subsections (e) and (f) of Section 55.17, and Sections 55.171 and 55.172, Texas Education Code.

There was objection.

Senator Mauzy then moved to suspend the regular order of business and take up **S.B. 191** for consideration at this time.

The motion prevailed by the following vote: Yeas 27, Nays 4.

Yeas: Andujar, Blake, Braecklein, Clower, Creighton, Doggett, Farabee, Harris, Howard, Jones of Harris, Jones of Taylor, Kothmann, Longoria, Mauzy, McKnight, Meier, Mengden, Moore, Parker, Price, Santiesteban, Schwartz, Short, Snelson, Traeger, Truan, Vale.

Nays: Brooks, Ogg, Patman, Williams.

The bill was read second time and was passed to engrossment.

RECORD OF VOTE

Senator Patman asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 385 ON SECOND READING

On motion of Senator Jones of Harris and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 385, Providing that obligations of public agencies in Texas and of the United States of America and its agencies and instrumentalities shall be eligible and lawful security for all deposits of public funds; provides for the effect of the act; and declaring an emergency.

The bill was read second time and was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 385 ON THIRD READING

Senator Jones of Harris moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 385** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed.

SENATE BILL 744 ON SECOND READING

On motion of Senator Williams and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 744, Relating to assignment pay for certain firefighters.

The bill was read second time.

Senator Williams offered the following amendment to the bill:

Amend Senate Bill 744 by adding a Subsection (c) to Section 8B of SECTION 2 to read as follows:

“(c) In any city having a population of 1,200,000 or more according to the most recent federal census, the city council or legislative body may authorize assignment pay for helicopter personnel, bomb squad personnel and special weapons and tactics personnel. Assignment pay shall be in an amount and payable under conditions as set by ordinance. The assignment pay shall be in addition to the regular pay received by members of the Police Department. The Chief of the Police Department is not eligible for the assignment pay authorized by this section.”

The amendment was read and was adopted.

Senator Williams offered the following amendment to the bill:

Amend Senate Bill 744 by striking Subsection (b) of Section 8B of SECTION 2 and substituting in lieu thereof the following:

“(b) In this section:

“(1) ‘Emergency ambulance attendant’ means a member of the Fire Department who provides emergency medical care and emergency transportation for members of the public.

“(2) ‘Helicopter personnel’ means a member of the police department who pilots helicopters or rides as an observer in helicopters.

“(3) ‘Bomb squad personnel’ means a member of the police department who is assigned to the bomb squad and actually participates in the detection, handling or disarming of explosive devices or materials.

“(4) ‘Special weapons and tactics personnel’ means a member of the police department who is assigned to the special weapons and tactics squad and actually performs the duties and responsibilities of the special weapons and tactics squad.”

The amendment was read and was adopted.

On motion of Senator Williams and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

SENATE BILL 744 ON THIRD READING

Senator Williams moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 744** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

MOTION TO PLACE SENATE BILL 395 ON SECOND READING

Senator Moore moved to suspend the regular order of business to take up for consideration at this time (The bill having been read second time on March 19, 1979):

S.B. 395, Relating to construction work on or under streets and roads dedicated to public use and other public works contracted for by the State or any political subdivision thereof; clarifying the effect of completion and acceptance of work performed under contracts relating thereto; and specifying the extent of a contractor's liability; by adding to Title 83 of the Revised Civil Statutes of Texas, 1925, a new provision to be codified as Article 5160b; and declaring an emergency.

The motion was lost by the following vote : Yeas 14, Nays 17.

Yeas: Andujar, Blake, Brooks, Creighton, Harris, Howard, Kothmann, McKnight, Meier, Mengden, Moore, Price, Traeger, Williams.

Nays: Braecklein, Clower, Doggett, Farabee, Jones of Harris, Jones of Taylor, Longoria, Mauzy, Ogg, Parker, Patman, Santiesteban, Schwartz, Short, Snelson, Truan, Vale.

SENATE BILL 287 ON SECOND READING

Senator Meier moved to suspend the regular order of business to take up for consideration at this time:

S.B. 287, Relating to the regulation of attorneys.

The motion prevailed by the following vote: Yeas 27, Nays 4.

Yeas: Andujar, Blake, Braecklein, Brooks, Clower, Creighton, Farabee, Harris, Howard, Jones of Harris, Jones of Taylor, Kothmann, Longoria, McKnight, Meier, Moore, Ogg, Parker, Patman, Price, Santiesteban, Short, Snelson, Traeger, Truan, Vale, Williams.

Nays: Doggett, Mauzy, Mengden, Schwartz.

The bill was read second time.

Senator Meier offered the following committee amendment to the bill:

Amend SB 287 by amending the sentence in Section 12 which begins at line 3 on page 12 to read as follows:

One-third of the total membership of each grievance committee shall be representatives of the general public who are not licensed attorneys and who do not have, other than as consumers, financial interest in the practice of law,

The committee amendment was read and was adopted.

Senator Snelson offered the following amendment to the bill:

Amend SB 287 by amending Section 7 to read as follows:

Section 7. FISCAL POWERS. Fees and other revenue received by the State Bar shall be deposited in the State Treasury to the credit of a special fund to be known as the State Bar Fund and may be used only for the administration of this Act.

The amendment was read.

(Senator Jones of Harris in Chair)

Senator Meier offered the following substitute for the pending amendment:

Amend SB 287 by amending Section 7 to read as follows:

Section 7. FISCAL POWERS. Fees and other revenue received by the State Bar shall be deposited in the State Treasury to the credit of a special fund to be known as the State Bar Fund and may be used only for the administration of this Act, to be effective beginning September 1, 1981.

The substitute for the pending amendment was read.

On motion of Senator Meier and by unanimous consent, the substitute for the pending amendment was withdrawn.

On motion of Senator Meier the pending amendment was tabled by the following vote: Yeas 17, Nays 14.

Yeas: Blake, Braecklein, Clower, Creighton, Farabee, Harris, Howard, Kothmann, Longoria, Meier, Moore, Ogg, Parker, Santiesteban, Short, Vale, Williams.

Nays: Andujar, Brooks, Doggett, Jones of Harris, Jones of Taylor, Mauzy, McKnight, Mengden, Patman, Price, Schwartz, Snelson, Traeger, Truan.

Senator Doggett offered the following amendment to the bill:

Amend SB 287 by adding a new subsection (f) to Section 9 on page 4 to read as follows:

(f) All records of the State Bar except for records pertaining to grievances and records pertaining to the Texas Board of Legal Specialization shall be subject to the Texas Open Records Act, Article 6252-17a.

The amendment was read and was adopted.

Senator Doggett offered the following amendment to the bill:

Amend SB 287 by adding on page 2 a new Section 8A to read as follows:

Sec. 8A. (a) The board may recognize, subject to the approval of the Chief Justice of the Supreme Court and the Chief Judge of the Court of Criminal Appeals, areas of specialization in the practice of law. The board may adopt and carry out specialization programs for licensed attorneys and may evaluate the programs periodically to insure that the programs are of public benefit.

(b) The board may recognize, prepare, or carry out continuing education programs for licensed attorneys. Participation in the programs is voluntary.

(c) The board may recognize, prepare, or carry out programs by which licensed attorneys demonstrate their competence to practice law. Participation in the programs is voluntary.

The amendment was read.

On motion of Senator Meier the amendment was tabled by the following vote: Yeas 25, Nays 5.

Yeas: Andujar, Blake, Braecklein, Brooks, Clower, Creighton, Farabee, Harris, Howard, Jones of Harris, Kothmann, McKnight, Meier, Moore, Ogg, Parker, Patman, Price, Santiesteban, Short, Snelson, Traeger, Truan, Vale, Williams.

Nays: Doggett, Jones of Taylor, Mauzy, Mengden, Schwartz.

Absent: Longoria.

Senator Doggett offered the following amendment to the bill:

Amend SB 287 by amending the sentence which begins in Section 9 at line 63 on page 2 to read as follows:

The Board shall be composed of the officers of the State Bar, the President, President-Elect, and Immediate Past-President of the Texas Young Lawyers Association, not more than 30 members of the State Bar, elected by the membership from their district as may be determined by the Board, and nine members who are not licensed attorneys and who do not have, other than as consumers, financial interest in the practice of law. These public members are appointed by the Governor for staggered terms of six years with the terms of three members expiring on January 31 of each odd-numbered year.

The amendment was read.

(Senator Jones of Taylor in Chair)

Pending discussion of the amendment, Senator Jones of Harris occupied the Chair.

Senator Truan raised a Point of Order suggesting the absence of a quorum.

The Presiding Officer (Senator Jones of Harris in the Chair) overruled the Point of Order, stating the last roll call vote reflected a quorum was present.

MESSAGE FROM THE HOUSE

House Chamber
March 21, 1979

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I AM DIRECTED BY THE HOUSE TO INFORM THE SENATE THAT THE HOUSE HAS PASSED THE FOLLOWING:

H.B. 1007, A bill to be entitled An Act relating to the time for filing an application for a place on an election ballot.

H.B. 305, A bill to be entitled An Act relating to the sale and conveyance of certain surplus land by the Texas Department of Mental Health and Mental Retardation with the proceeds to be used for the renovation of ward buildings at the Rusk State Hospital.

H.B. 575, A bill to be entitled An Act relating to informal application for an absentee ballot.

H.B. 169, A bill to be entitled An Act relating to compensation of certain resident physicians.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

BILL AND RESOLUTION SIGNED

The President announced the signing in the presence of the Senate, after the caption had been read, the following enrolled bill and resolution:

H.B. 272
H.C.R. 125

SENATE BILL 287 ON SECOND READING

The Senate resumed consideration of **S.B. 287** on its second reading and passage to engrossment with an amendment by Senator Doggett pending.

Question - Shall the amendment be adopted?

(President in Chair)

Senator Farabee offered the following substitute for the pending amendment by Senator Doggett:

Amend SB 287 by amending the sentence which begins in Section 9 at line 63 on page 2 to read as follows:

The Board shall be composed of the officers of the State Bar, the President, President-Elect, and Immediate Past-President of the Texas Young Lawyers Association, not more than 30 members of the State Bar, elected by the membership from their district as may be determined by the Board, and six members who are not licensed attorneys and who do not have, other than as consumers, financial interest in the practice of law. These public members are appointed by the Governor, subject to the advice and consent of the Senate, for staggered terms of six years with the terms of two members expiring on January 31 of each odd-numbered year.

FARABEE
MENGDEN
DOGETT
SCHWARTZ
TRUAN

The substitute for the pending amendment was read and was adopted.

The pending amendment as substituted was then adopted.

Senator Schwartz offered the following amendment to the bill:

Amend SB 287 by striking all below the enacting clause and substituting the following therefor:

SECTION 1. The State Bar Act, as amended (Article 320a-1, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 1. This Act may be cited as the State Bar Act.

Sec. 2. ~~[Subdivision] (a)[-]~~ There is hereby created the State Bar, which is hereby constituted an administrative agency of the Judicial Department of the state~~[-, with power to contract with relation to its own affairs and which may sue and be sued and have such other powers as are reasonably necessary to carry out the purposes of this Act]~~. The State Bar has any powers that may be necessary to control, manage, and administer the Texas Law Center.

~~[Subdivision] (b)[-]~~ The governing body ~~[general executive agency]~~ of the State Bar ~~[shall be its]~~ is the State Bar Board [of Directors]. Upon such ~~board~~ [Board] shall rest the duty of enforcing the provisions of this Act.

~~[Such Board shall be composed of the officers of the State Bar, and not more than 30 additional members, elected from geographical Bar Districts by the members of the State Bar, with one or more Board members from each district, as may be determined by the Board.]~~

~~[For purposes of electing directors or for the fulfillment of any other duty imposed upon the State Bar by this Act or the State Bar rules, such Board shall from time to time reapportion the state into Bar Districts as conditions require, taking into account the best interests of the legal profession and the public and the advancement of the administration of justice in this state. Provided, however, that any reapportionment plan promulgated by the Board shall be submitted in referendum to the registered members of the State Bar for a vote thereon. Such plan submitted shall become effective unless disapproved by 51% of the members.]~~

(c) The board is composed of 15 members, 11 of whom are appointed by the Chief Justice of the Supreme Court of Texas and four of whom are appointed by the Chief Judge of the Court of Criminal Appeals.

(d) Eight members appointed by the Chief Justice of the Supreme Court, at the time of appointment, must be residents of different bar districts and licensed attorneys. At least one of these eight members must be an attorney who practices law at the time of appointment in a law firm with at least five and not more than 25 attorneys, and at least one of these members must be an attorney who is a sole practitioner of law at the time of appointment. Two members appointed by the Chief Judge of the Court of Criminal Appeals, at the time of appointment, must be residents of different bar districts and licensed attorneys. One of these two members must be an attorney who practices law at the time of appointment primarily in criminal prosecution work, and one of the members must be an attorney who practices law at the time of appointment primarily in criminal defense work. Three members appointed by the Chief Justice and two members appointed by the Chief Judge must be representatives of the general public who are not licensed attorneys and who do not have, other than as consumers, financial interests in the practice of law.

(e) Except for the initial appointees, members of the board hold office for staggered terms of six years, with five members' terms expiring on January 31 of each odd-numbered year. In making the initial appointments, the Chief Justice of the Supreme Court shall designate four of his appointees for terms expiring on January 31, 1981, four appointees for terms expiring on January 31, 1983, and three appointees for terms expiring on January 31, 1985. In making the initial appointments, the Chief Judge of the Court of Criminal Appeals shall designate one of his appointees for a term expiring on January 31, 1981, one appointee for a term expiring on January 31, 1983, and two appointees for terms expiring on January 31, 1985.

(f) A member of the board serves without compensation. A member is entitled to reimbursement for actual and necessary expenses incurred in performing the functions of the board.

(g) The board annually shall elect from its members a chairman and other officers that the board considers necessary.

(h) The board shall meet at least once each year. The board may meet at other times at the call of the chairman or as provided by board rule.

(i) Eight members of the board constitute a quorum.

(j) The board shall employ an executive director who is the executive head of the board and performs its administrative functions. The executive director may employ staff members necessary for administering the board's functions.

(k) A member or employee of the board may not be an officer, employee, or paid consultant of a professional association active in the legal profession and may not be related within the second degree by affinity or within the second degree by consanguinity to a person who is an officer, employee, or paid consultant of a professional association active in the legal profession.

Sec. 2A. The State Bar is subject to the Texas Sunset Act (Article 5429k, Vernon's Texas Civil Statutes); and unless continued in existence as provided by that Act the State Bar is abolished, and this Act expires effective September 1, 1991 [1979].

Sec. 3. All persons who are now or who shall hereafter be licensed to practice law in this State shall constitute and be members of the State Bar, and shall be subject to the provisions hereof and the rules adopted by the board [Supreme Court of Texas]; and all persons not members of the State Bar are hereby prohibited from practicing law in this State except as provided below. A bona fide law student attending a law school approved by the Supreme Court of Texas who has completed two-thirds of the required curriculum for graduation as computed on an hourly basis, or one-half of the required curriculum for graduation computed on an hourly basis if the student is enrolled in a clinical legal education course for which course credit is awarded, or a graduate of an approved law school during the interim between graduation and the first offering of the state bar examination after graduation, or a graduate of an approved law school who has taken the state bar examination for the first time but has not received the results of that examination, may, with the consent of the presiding judge, assist licensed attorneys in the trial of cases. His participation in the trial of cases shall be governed by rules and regulations which shall be promulgated within 90 days after this Act becomes law by a joint committee composed of five members of the State Bar designated by the chairman of the board [president of such bar] and four members of the State Junior Bar designated by the president of such bar. The presiding officer of the joint committee shall be chosen by the committee members from the members designated by the chairman of the board [State Bar]. All rules and regulations promulgated within 90 days after this Act becomes law by the joint committee shall be subject to approval by the Supreme Court of Texas, but shall contain at least the following minimum requirements:

(1) that a qualified law student or qualified unlicensed law school graduate may file instruments and motions and handle other routine matters before any court or administrative body of this State; (2) that a qualified law student or qualified unlicensed law school graduate may make an appearance for the purpose of trial and the arguing of motions, provided that he is accompanied at such appearance by an attorney licensed to practice law in this State, in all courts of this State; and (3) that a qualified law student or qualified unlicensed law school graduate may not appear in or conduct any contested hearing or trial, before any administrative tribunal or in any of the courts, unless accompanied at such appearance by an attorney licensed to practice law in this State.

Within the meaning of this section, all persons furnishing evidence of or complying with any of the following provisions shall be deemed as now licensed to practice law within this State, viz:

(a) That he is now enrolled as an attorney at law before the Supreme Court of this State.

(b) A license or the issuance of a license by the Board of Legal Examiners of this State authorizing him to practice law within this State.

(c) A license or the issuance of a license to practice law within this State by any authority, which, at the time of the issuance thereof, was authorized by the laws of this State, then in effect, to issue the license.

(d) Where an attorney, licensed before October 6, 1919, has lost or misplaced his license, issued by legal authority, and where the proof of its issuance is not available in the records of the Court in Texas in which he claims it was issued, then his status as a licensed attorney in this State may be established by a certificate of the District Judge in the District of his residence that such person has been engaged in the practice of law within this State for a period of five (5) years immediately and continuously next preceding the effective date of this Act, and, within the judgment of said District Judge, said attorney has theretofore been duly licensed to practice law under the laws of the State of Texas and is of good moral character. Before any such certificate shall be issued by a District Judge, the Judge shall give an opportunity to the president of the local bar association in the county of said attorney's residence to be heard.

(e) Any proof satisfactory to the Supreme Court of this State that he is and was, upon the effective date of this Act, authorized to practice law within this State.

Sec. 4. ~~[Subdivision] (a) [From time to time as to the Court may seem proper, the Supreme Court of Texas shall prepare and propose rules and regulations for disciplining, suspending, and disbarring attorneys at law; for the operation, maintenance, and conduct of the State Bar; and prescribing a code of ethics governing the professional conduct of attorneys at law.] The State Bar may not promulgate rules restricting competitive bidding or advertising by licensed attorneys except to prohibit false, misleading, or deceptive trade practices by licensees. [When the Court has prepared and proposed such rules and regulations, it shall submit by mail a copy of each such rule and regulation, as well as all such other rules and regulations as may have been proposed and filed with the Court, supported by petition signed by at least ten per cent (10%) of the registered members of the State Bar, in ballot form to each registered member of the State Bar for a vote thereon. At the end of thirty (30) days from the time such ballots are mailed, the Court shall count the ballots that have been returned, provided that no election shall be valid unless a minimum of fifty-one per cent (51%) of the members registered shall have voted at the election at which such rule or rules are adopted; and each and all of such rules and regulations that have received a majority of the votes cast shall be by said Court declared and adopted and shall be promulgated by said Court and shall become~~

~~immediately effective. Such vote shall be open to inspection by any member of the Bar. No rule or regulation shall be promulgated that has not received a majority of votes cast in the manner above provided.]~~ Nothing herein shall be construed as authorizing the State Bar ~~[Court]~~ to prescribe fees to be charged for legal services rendered by any attorney.

~~[Subdivision] (b)[-]~~ The ~~board~~ ~~[Supreme Court]~~ is ~~[further]~~ empowered and it shall be its duty to prescribe fees of not more than Sixty-five Dollars (\$65) ~~[less than Four Dollars (\$4)]~~ per annum per person for members of the State Bar to be paid to the State Bar ~~[Clerk of the Supreme Court to be held by him and expended by the Court or under its direction for the purpose of the administration of this Act]~~. Any person licensed and registered may pay to the State Bar ~~[Clerk of the Supreme Court]~~ a sum of money from which the fees owed by such person may be taken from time to time as they become due. Fees and other revenue received by the State Bar shall be deposited in the State Treasury to the credit of a special fund to be known as the State Bar fund and may be used only for the administration of this Act.

~~[Subdivision] (c)[-]~~ The board shall promulgate, in accordance with the Administrative Procedure and Texas Register Act, as amended (Article 6252-13a, Vernon's Texas Civil Statutes), rules necessary to administer its functions under this Act.

~~[The Supreme Court, prior to prescribing any fee to be assessed on members of the State Bar in excess of Four Dollars (\$4) per annum, shall and must submit to the registered members of the State Bar, in ballot form, the question of whether such proposed fee assessment in excess of Four Dollars (\$4) per annum shall be so prescribed. Ballots shall be mailed to the registered members of the State Bar and at the end of thirty (30) days from the time the last of said ballots are mailed by the Court, the Court shall count the ballots that have been returned to the Court; provided that no election shall be valid unless a minimum of fifty one per cent (51%) of the registered members of the State Bar shall have voted at the election held for such purpose, and further provided, that a majority of those members so voting shall have approved said proposed fee. Such vote shall be open to inspection by any member of the State Bar and such ballots shall not be destroyed until the expiration of twelve (12) months after the results of such election have been declared.]~~

Sec. 4A. (a) The board may recognize, subject to the approval of the Chief Justice of the Supreme Court and the Chief Judge of the Court of Criminal Appeals, areas of specialization in the practice of law. The board may adopt and carry out specialization programs for licensed attorneys and may evaluate the programs periodically to insure that the programs are of public benefit.

(b) The board may recognize, prepare, or carry out continuing education programs for licensed attorneys. Participation in the programs is voluntary.

(c) The board may recognize, prepare, or carry out programs by which licensed attorneys demonstrate their competence to practice law. Participation in the programs is voluntary.

Sec. 5. The State Bar ~~[Supreme Court of Texas]~~ shall not adopt or promulgate any rule or regulation abrogating the right of trial by jury in disbarment proceedings, in the county of the residence of the defendant.

Sec. 6. Except as provided in this Act, no ~~[No]~~ disbarment proceeding shall be instituted against any attorney except in the district court located in the county of said attorney's residence, nor shall any attorney be suspended until such attorney has been convicted of the charge pending against him, in a court of competent jurisdiction in the county of such attorney's residence. Provided, however, upon proof of conviction of an attorney in any trial court of any felony

involving moral turpitude or of any misdemeanor involving the theft, embezzlement, or fraudulent appropriation of money or other property, the district court of the county of the residence of the convicted attorney shall enter an order suspending said attorney from the practice of law during the pendency of any appeal from said conviction. An attorney who has been given probation after such conviction shall be suspended from the practice of law for the period of his probation. Upon proof of final conviction of any felony involving moral turpitude or of any misdemeanor involving theft, embezzlement, or fraudulent appropriation of money or other property, where probation has not been given or has been revoked, the district court of the county of the residence of the convicted attorney shall enter a judgment disbaring him.

Sec. 6A. (a) The board shall promulgate rules necessary for the operation of the district grievance committees established by the board and for carrying out the grievance procedures established by this Act. The rules are subject to the approval of the Supreme Court.

(b) The board shall divide the state into bar districts and shall increase or reduce the number of districts or change the boundaries of districts as the board considers to be in the best interests of the legal profession and the general public and for the advancement of the administration of justice in this state.

(c) The board shall establish at least one district grievance committee in each bar district.

(d) If more than one committee is established in a bar district, the board shall state whether the committees have jurisdiction over all or part of the district. If the jurisdiction extends to only part of the district, the board shall establish the boundaries of that part of the district.

(e) If grievance committees have concurrent jurisdiction in a bar district, the board shall establish a system by which the workloads of the committees are equalized.

Sec. 6B. (a) A grievance committee is composed of as many members as the board considers necessary for the expeditious transaction of business by the committee. However, the number of members on a committee must be an even number and a multiple of three.

(b) Members of a grievance committee are appointed by the chairman of the board.

(c) A member of a grievance committee must be a resident of the area under the jurisdiction of the committee. Two-thirds of the members of a committee must be licensed attorneys. One-third of the members of a committee must be representatives of the general public who are not licensed attorneys and who do not have, other than as consumers, financial interests in the practice of law.

(d) Except for the initial appointees, members of a grievance committee serve for staggered terms of two years, with half of the members' terms expiring on January 31 of each year. In making the initial appointments, the chairman of the board shall designate half of the members for terms expiring on January 31, 1981, and half of the members for terms expiring on January 31, 1982.

Sec. 6C. (a) A grievance committee and its members shall receive complaints of professional misconduct alleged to have been committed in the area under the jurisdiction of the committee by a licensed attorney or alleged to have been committed by an attorney having an office or residence in the area. A committee member shall report to the committee any case of professional misconduct that comes to the member's attention. A grievance committee and its members shall receive complaints of unauthorized practice of law by unlicensed persons or organizations and of the participation of licensed attorneys in the unauthorized practice of law.

(b) A committee may require a sworn statement setting out the matter complained of as a condition to taking action on the complaint.

(c) After a complaint is received by a grievance committee, the committee shall notify the person who is the subject of the complaint. The committee periodically shall notify each party to a complaint of the status of the complaint until the complaint is finally disposed of.

Sec. 6D. (a) The board shall employ persons to investigate complaints received by grievance committees. If requested by a committee, the board shall provide assistance to the committee in the investigation of complaints and in other ways that the board considers necessary.

(b) A grievance committee shall investigate each complaint as the committee considers appropriate.

(c) In conducting a hearing as part of an investigation of a complaint, a grievance committee may require testimony given at the hearing to be given under oath or affirmation.

(d) A grievance committee's proceedings relating to the investigation of a complaint shall be closed to the public. However, before a committee may make a final action, decision, or vote relating to a complaint, the committee shall give written notice of the date, hour, place, and subject of the meeting at which the complaint is to be finally determined. The committee shall post the notice at a place convenient to the public in the committee's administrative office and shall furnish the notice to the board which shall post the notice on a public bulletin board located in the board's main office. The postings shall be made at least 72 hours before the scheduled time of the meeting.

Sec. 6E. (a) After a grievance committee investigates a complaint, the committee shall act on the complaint in one of the following ways:

(1) the committee may dismiss the complaint and notify the complainant and the accused person of the dismissal;

(2) the committee may reprimand the accused person, may require the accused person to appear before the committee, and may determine what publicity will be given to the reprimand; or

(3) the committee may decide, if the accused person is a licensed attorney, to suspend or revoke the attorney's license.

(b) If a grievance committee suspends or revokes an attorney's license and the decision becomes final, copies of the suspension or revocation order and copies of the complaint shall be mailed to the secretary of the State Bar and the clerk of the Supreme Court and to the clerk of the district court of the county of the accused person's residence for entry in the minutes of the district court.

(c) If a grievance committee revokes an attorney's license and the decision becomes final, the clerk of the Supreme Court shall strike the attorney's name from the membership rolls of licensed attorneys. If an attorney's license is suspended and the decision becomes final, the clerk shall strike the attorney's name from the rolls for the time of the suspension.

Sec. 6F. (a) An accused person or a complainant may appeal the decision of a grievance committee to the board.

(b) If a grievance committee does not take final action on a complaint within 90 days after the complaint is received by the committee, the committee shall send the complaint to the board for a hearing.

(c) If an attorney timely files an appeal to the board of a grievance committee's decision suspending or revoking the attorney's license, the decision is stayed pending the appeal.

(d) The board shall hear the appeals or the complaints according to rules promulgated by the board.

(e) An accused person may appeal the decision of the board by filing suit in the district court of the county of his or her residence within 10 days after the entry of the board's final decision.

(f) If an attorney timely files an appeal to the district court of the board's decision suspending or revoking the attorney's license, the decision is stayed pending the appeal.

(g) If the suit is not filed with the district court, the decision of the board is final. A copy of the final decision and a copy of the complaint shall be mailed to the clerk of the Supreme Court and the secretary of the State Bar. A memorandum of the final decision shall be made on the membership rolls kept by the clerk of the Supreme Court. The grievance committee may send a copy of the final decision to the clerk of the district court of the county of the accused person's residence or office for entry in the minutes of the district court.

(h) If the district court finds from the evidence in a case tried without a jury, or from the verdict of the jury if there is one, that the accused person is not guilty of any professional misconduct, the court shall enter judgment declaring that finding and shall dismiss the complaint. If the court finds that the accused person is guilty, the court shall determine whether the person shall be reprimanded, suspended from practice of law, or disbarred from the practice of law.

(i) If the accused person is found guilty, the district court shall send certified copies of the judgment and complaint to the secretary of the State Bar and the clerk of the Supreme Court. The clerk of the Supreme Court shall make an appropriate notation on the membership rolls.

(j) If the district court suspends or revokes the license of an attorney, the attorney may not practice law while an appeal is pending and may not supersede the judgment by bond or otherwise.

SECTION 2. This Act takes effect on September 1, 1979.

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

SCHWARTZ
DOGGETT

The amendment was read.

On motion of Senator Meier the amendment was tabled by the following vote: Yeas 25, Nays 5.

Yeas: Andujar, Blake, Braecklein, Brooks, Clower, Creighton, Farabee, Harris, Howard, Jones of Harris, Kothmann, Longoria, McKnight, Meier, Moore, Ogg, Parker, Patman, Price, Santiesteban, Short, Traeger, Truan, Vale, Williams.

Nays: Doggett, Mauzy, Mengden, Schwartz, Snelson.

Absent: Jones of Taylor.

On motion of Senator Meier and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

RECORD OF VOTES

Senators Doggett and Mauzy asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

SENATE BILL 287 ON THIRD READING

Senator Meier moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 287 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 4.

Yeas: Andujar, Blake, Braecklein, Brooks, Clower, Creighton, Farabee, Harris, Howard, Jones of Harris, Jones of Taylor, Kothmann, Longoria, McKnight, Meier, Moore, Ogg, Parker, Patman, Price, Santiesteban, Short, Snelson, Traeger, Truan, Vale, Williams.

Nays: Doggett, Mauzy, Mengden, Schwartz.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 4. (Same as previous roll call)

**MOTION RELATIVE TO
LOCAL AND UNCONTESTED CALENDAR PROCEDURE**

Senator Jones of Harris made the following motion:

I move that the bills and resolutions listed on the Local and Uncontested Calendar be set as Special Order for 8:30 Thursday morning, March 22, 1979, and considered in the order listed, with the understanding that a bill or resolution removed from the calendar will not be considered.

The motion prevailed.

MEMORIAL RESOLUTIONS

H.C.R. 125 (Creighton): Memorial resolution for William Tip Hall, Sr.

S.R. 312 - By Farabee: Memorial resolution for Dr. J. L. Jackson III.

WELCOME AND CONGRATULATORY RESOLUTIONS

S.R. 279 - By Doggett: Extending welcome to Reverend Martin Walker.

S.R. 280 - By Doggett: Extending welcome to Reverend O. T. Arnold.

S.R. 281 - By Clower: Extending welcome to Dr. Kenneth Walker.

S.R. 282 - By Clower: Extending welcome to Senior Civics Class, Coolidge High School.

S.R. 283 - By Clower: Extending welcome to Joe Cannon.

S.R. 284 - By Clower: Extending welcome to Joyce Kingston.

- S.R. 285** - By Clower: Extending congratulations to Steven Gregory.
- S.R. 286** - By Clower: Extending congratulations to Sarah Clower.
- S.R. 287** - By Clower: Extending congratulations to Sheryl Lasiter.
- S.R. 288** - By Clower: Extending congratulations to Kassandra Henslee.
- S.R. 289** - By Clower: Extending congratulations to Brooke Roucloux.
- S.R. 290** - By Clower: Extending congratulations to Julie Reitz.
- S.R. 291** - By Clower: Extending congratulations to Heather Powell.
- S.R. 292** - By Clower: Extending congratulations to Elizabeth Meyer.
- S.R. 293** - By Clower: Extending congratulations to Carolyn McCoy.
- S.R. 294** - By Clower: Extending congratulations to Suvi Karttunen.
- S.R. 295** - By Clower: Extending congratulations to Melissa Hidrogo.
- S.R. 296** - By Clower: Extending congratulations to Kelley Covert.
- S.R. 297** - By Clower: Extending congratulations to Anna Coons.
- S.R. 298** - By Clower: Extending congratulations to Alexandra Colbert.
- S.R. 299** - By Clower: Extending congratulations to Susan Brown.
- S.R. 300** - By Clower: Extending congratulations to Jennifer Bourianoff.
- S.R. 301** - By Clower: Extending congratulations to Rex White.
- S.R. 302** - By Clower: Extending congratulations to David Walker.
- S.R. 303** - By Clower: Extending congratulations to Charles Villasenor.
- S.R. 304** - By Clower: Extending congratulations to Russell Phillips.
- S.R. 305** - By Clower: Extending congratulations to John Peterson.
- S.R. 306** - By Clower: Extending congratulations to Eric Packwood.
- S.R. 307** - By Clower: Extending congratulations to Andrew Liedeker.
- S.R. 308** - By Clower: Extending congratulations to Jeffrey Lambert.
- S.R. 309** - By Clower: Extending congratulations to Mike Hellmund.
- S.R. 310** - By Clower: Extending congratulations to James Haslanger.
- S.R. 311** - By Brooks: Extending welcome to Robert Melgosa.
- S.R. 313** - By Clower: Extending welcome to Arthur Hewett.

RECESS

On motion of Senator Moore the Senate at 4:00 o'clock p.m. took recess until 8:30 o'clock a.m. tomorrow.

FORTIETH DAY

(Continued)

(Thursday, March 22, 1979)

AFTER RECESS

The Senate met at 8:30 o'clock a.m. and was called to order by Senator Jones of Harris.

LOCAL AND UNCONTESTED BILLS CALENDAR

The Presiding Officer (Senator Jones of Harris in Chair) announced that the time had arrived for consideration of the Local and Uncontested Bills Calendar in accordance with the provisions of **S.R. 16**.

Senator Longoria moved that bills and resolutions listed on the Local and Uncontested Calendar be set as Special Order for today at 8:30 o'clock a.m. and considered in the order listed with the understanding that a bill or resolution removed from the Calendar will not be considered and that the Three-Day Rule be suspended with respect to bills on the Local and Uncontested Calendar that are engrossed today.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The following bills were laid before the Senate, read second time, passed to engrossment, read third time and passed: (Sponsor and votes on final passage indicated after caption of each bill. When amended, vote on final passage follows the amendment.)

C.S.S.B. 214 (Short) Relating to medical malpractice self-insurance for Texas Technical University School of Medicine. (31-0)

S.B. 254 (Jones of Harris) Relating to the offenses of arson, criminal mischief, and reckless damage or destruction of property. (vv)

S.B. 322 (Mengden) Increasing the penalty for violating the provisions of the Texas Controlled Substances Act involving phencyclidine. (vv)

C.S.S.B. 394 (Jones of Harris) Relating to criminal injury to a child. (31-0)

C.S.S.B. 421 (Short) Relating to the duration and condition of probation. (vv)

S.B. 447 (Santiesteban) Relating to issuance, countersignature, and delivery of insurance policies. (31-0)

S.B. 465 (Jones of Harris) Relating to the reporting of information by insurance companies relative to fire losses.

S.B. 592 (Traeger) Repealing penalty for assessing property for taxes without state registration. (31-0)

Senator Traeger offered the following committee amendment:

Amend **S.B. 592**, by striking, "relating to a repeal of the penalty for assessing property for taxes without state registration," and by substituting therefor the following, "relating to the change of the penalty for assessing property for taxes without state registration from a Class A misdemeanor to a Class C misdemeanor."

The committee amendment was read and was adopted.

Senator Traeger offered the following committee amendment to the bill:

Amend **S.B. 592**, Section 1, by striking, "is repealed," and by substituting therefor the following, "A person who is required under Section 11 of this Act to register with the board commits a Class C misdemeanor if he fails to register."

The committee amendment was read and was adopted.

On motion of Senator Traeger and by unanimous consent, the caption was amended to conform to the body of the bill as amended. (31-0)

S.B. 638 (Mauzy) Relating to combined Mandatory Student Services Fees to be charged a student registering at more than one institution within a system of higher education. (31-0)

C.S.S.B. 667 (Kothmann) Relating to establishment of a security building at the San Antonio State Hospital. (31-0)

S.B. 729 (Farabee) Creating the Hardeman County Hospital District. (31-0)

S.B. 736 (Doggett/Mauzy) Relating to the authority of the Board of Regents, Texas State University System, to manage and control real property acquired under its authority. (31-0)

S.B. 897 (Brooks) Relating to the purchase of tenure as a judge of a court of domestic relations by a member of the state judicial retirement system. (31-0)

S.B. 974 (Traeger) Relating to disposition of funds received by the Texas Board of Licensure for Nursing Home Administrators. (vv)

S.C.R. 42 (Jones of Harris) Granting H. D. Schwartz permission to sue the State of Texas. (vv)

S.C.R. 43 (McKnight) Granting Lincoln National Life Insurance Company permission to sue the State of Texas. (vv)

S.C.R. 49 (Ogg) Granting Harris County, Harris County Flood Control District and Harris County Hospital District permission to sue the State of Texas. (vv)